

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **06/07/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB: **-2853**

For: **Alvin Ott (608) 266-5831**

By/Representing: **Erin Ruby**

May Contact:

Drafter: **tdodge**

Subject: **Mental Health - detent/commit**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Ott@legis.wisconsin.gov**

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Municipal law enforcement investigations under emergency mental health detentions

---

### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 07/14/2011	kfollett 07/28/2011		_____			Local
/1			jfrantze 07/29/2011	_____	ggodwin 07/29/2011		Local
/2	tdodge 08/04/2011	kfollett 08/04/2011	phenry 08/04/2011	_____	sbasford 08/04/2011	lparisi 09/14/2011	Local
/3	tdodge 10/11/2011	kfollett 10/13/2011	rschluet 10/13/2011	_____	lparisi 10/13/2011	lparisi 10/13/2011	Local

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/4	tdodge 10/26/2011	kfollett 10/26/2011	jfrantze 10/26/2011	_____	mbarman 10/26/2011	mbarman 10/26/2011	

FE Sent For:

*at intro*  
*11/9*

<END>

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10/26 10/26 R3

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

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13/6f  
10/13

10/31/11

JB

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/1		12/5f 8/19	jfrantze 07/29/2011		ggodwin 07/29/2011		

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/?	tdodge	1/15f 7/28	7/28	7/29			

FE Sent For:

<END>

# **Bill Draft Request**

**Date:** 6-7-11

**Legislator Requesting Draft:** Rep. Al Ott

**Person Submitting Request:** Erin Ruby – Research Assistant

**Person to Contact with Questions:** Erin Ruby (6-5831)

## **Drafting Request:**

Rep. Ott would like the attached Legislative Council draft (WLC 108/2), regarding emergency detentions, drafted into bill format by the LRB.

Feel free to call or send an email with any questions or concerns.

Thank you!



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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE AL OTT  
FROM: <sup>RNJ</sup> Richard Sweet, Senior Staff Attorney and <sup>LR</sup> Laura Rose, Deputy Director  
RE: WLC: 0108/2 (Emergency Detention)  
DATE: June 7, 2011

Attached is WLC: 0108/2, relating to municipal law enforcement investigations under the emergency detention statutes.

Feel free to contact us if we can be of further assistance.

RNS:LR:jb;wu  
Attachment

AN ACT *to create* 51.15 (7m) of the statutes; **relating to:** municipal law enforcement investigations under the emergency detention statutes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 51.15 (7m) of the statutes is created to read:

**51.15 (7m) MUNICIPAL LAW ENFORCEMENT.** (a) In this subsection, “municipality” means a city, village, or town.

(b) If the act, attempt, threat, or omission under sub. (1) (a) occurred in a municipality in this state other than the municipality in which the individual was taken into custody, the law enforcement agency for the municipality in which the person was taken into custody may request the law enforcement agency for the other municipality to investigate the act, attempt, threat, or omission.

(c) The law enforcement agency for the other municipality shall comply with a request under par. (b) and shall submit a report of the investigation to the law enforcement agency for the municipality in which the individual was taken into custody.

**(END)**



MONDAY *cmh*  
State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2211?

TJD:...

In. 7/14/11

2011 BILL

RMNR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 **AN ACT ...; relating to:** law enforcement investigations for emergency detention.

***Analysis by the Legislative Reference Bureau***

Under current law, a law enforcement officer or certain other individual may take a person into custody if the officer or other individual has cause to believe that the person is mentally ill, drug dependent, or developmentally disabled and the person shows one of the following: a substantial probability of physical harm to himself or herself; a substantial probability of physical harm to other persons; evidence that others are placed in reasonable fear of violent behavior and serious physical harm; a substantial probability of physical impairment or injury to himself or herself due to impaired judgment; or behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs of nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease is imminent without intervention. The law enforcement officer or certain other individual must provide a statement with details of the recent act, attempt, threat, or omission on which the belief that the individual must be taken into custody is based.

This bill allows a law enforcement agency of a city, town, or village in which a person was taken into custody to request the law enforcement agency of the city, town, or village in which the person in custody committed the act, attempt, threat, or omission to investigate the act, attempt, threat, or omission, if the act, attempt, threat, or omission occurred in a city, town, or village that is different than the one in which the person was taken into custody. The bill also requires the law enforcement agency in the city, town, or village in which the act, attempt, threat, or

omission occurred to comply with a request to investigate and to submit a report of the investigation to the law enforcement agency for the city, town, or village in which the person was taken into custody.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 51.15 (7m) of the statutes is created to read:

51.15 (7m) LAW ENFORCEMENT INVESTIGATIONS. (a) In this subsection, “municipality” means a city, village, or town.

(b) If the act, attempt, threat, or omission under sub. (1) (a) occurred in a municipality in this state other than the municipality in which the individual was taken into custody, the law enforcement agency for the municipality in which the person was taken into custody may request the law enforcement agency for the municipality in which the act, attempt, threat, or omission occurred to investigate the act, attempt, threat, or omission.

(c) The law enforcement agency for the municipality in which the act, attempt, threat, or omission under sub. (1) (a) occurred shall comply with a request to investigate under par. (b) and shall submit a report of the investigation to the law enforcement agency for the municipality in which the individual is taken into custody.

**(END)**

## **Dodge, Tamara**

---

**From:** Ruby, Erin  
**Sent:** Thursday, August 04, 2011 12:22 PM  
**To:** Dodge, Tamara  
**Subject:** RE: Question Regarding LRB 2211/1

Sounds good. Thanks!  
Erin

---

**From:** Dodge, Tamara  
**Sent:** Thursday, August 04, 2011 12:04 PM  
**To:** Ruby, Erin  
**Subject:** RE: Question Regarding LRB 2211/1

Erin,

I think in this instance that the "is" on line 13 should probably be "was." Typically we draft in present tense, but this instance past tense is appropriate and the tense in par. (b) should match that in par. (c). I should redraft this draft to correct this inconsistency. Is that okay?

Tami

### **Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
tamara.dodge@legis.wisconsin.gov

---

**From:** Ruby, Erin  
**Sent:** Wednesday, August 03, 2011 2:27 PM  
**To:** Dodge, Tamara  
**Subject:** Question Regarding LRB 2211/1

Good afternoon!

First, thank you for drafting LRB 2211 for Representative Ott.

I do have one question regarding line 13 of the draft. In line 13, the word "is" is used when referring to an individual taken into custody, but "was" is used in the previous paragraph. "Was" was also used throughout the WLC draft (0108) put together by Dick Sweet. I just wanted to check in with you to ask which one is the appropriate tense. (Or if it even makes a difference?)

Thank you very much!

Erin

**Erin Ruby**  
Research Assistant  
Office of State Representative Al Ott  
608.266.5831  
erin.ruby@legis.wi.gov





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2211① 2  
TJD:kjf:jf

In: 8/4/2011 Due 8/9/11

RMR

2011 BILL

Regen

- 1 AN ACT *to create* 51.15 (7m) of the statutes; **relating to:** law enforcement  
2 investigations for emergency detention.

---

***Analysis by the Legislative Reference Bureau***

Under current law, a law enforcement officer or certain other individual may take a person into custody if the officer or other individual has cause to believe that the person is mentally ill, drug dependent, or developmentally disabled and the person shows one of the following: a substantial probability of physical harm to himself or herself; a substantial probability of physical harm to other persons; evidence that others are placed in reasonable fear of violent behavior and serious physical harm; a substantial probability of physical impairment or injury to himself or herself due to impaired judgment; or behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs of nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease is imminent without intervention. The law enforcement officer or certain other individual must provide a statement with details of the recent act, attempt, threat, or omission on which the belief that the individual must be taken into custody is based.

This bill allows a law enforcement agency of a city, town, or village in which a person was taken into custody to request the law enforcement agency of the city, town, or village in which the person in custody committed the act, attempt, threat, or omission to investigate the act, attempt, threat, or omission, if the act, attempt, threat, or omission occurred in a city, town, or village that is different than the one

# BILL

in which the person was taken into custody. The bill also requires the law enforcement agency in the city, town, or village in which the act, attempt, threat, or omission occurred to comply with a request to investigate and to submit a report of the investigation to the law enforcement agency for the city, town, or village in which the person was taken into custody.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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(b) If the act, attempt, threat, or omission under sub. (1) (a) occurred in a municipality in this state other than the municipality in which the individual was taken into custody, the law enforcement agency for the municipality in which the person was taken into custody may request the law enforcement agency for the municipality in which the act, attempt, threat, or omission occurred to investigate the act, attempt, threat, or omission.

(c) The law enforcement agency for the municipality in which the act, attempt, threat, or omission under sub. (1) (a) occurred shall comply with a request to investigate under par. (b) and shall submit a report of the investigation to the law enforcement agency for the municipality in which the individual <sup>is</sup> taken into custody.

**(END)**

**Barman, Mike**

---

**From:** Ruby, Erin  
**Sent:** Wednesday, September 14, 2011 1:10 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2211/2 Topic: Municipal law enforcement investigations under emergency mental health detentions

Please Jacket LRB 11-2211/2 for the ASSEMBLY.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2211/2

TJD:kjf:ph

3

In: 10/11/11

Due Thurs  
10/13/11

RMR

2011 BILL

Note

Regen

and initiation of

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use 2

jurisdiction

jurisdiction

and initiate the  
emergency detention

**BILL**

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(END)

and initiate the emergency detention procedure under this section

use 2X

D-note

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2211/3ins  
TJD:.....

1           INSERT 2-3

2           1. "Jurisdiction" means a location over which a law enforcement agency has  
3 territorial jurisdiction.

4           2. "Law enforcement agency" means an entity that employs a peace officer, as

5 defined in s. 939.22<sup>✓</sup>(22).  
                                  <sup>Δ</sup>

(END INSERT 2-3)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2211/3dn

TJD:...

Date

To Representative Ott:

Please review this draft to ensure it incorporates the changes discussed at the meeting. To accomodate inclusion of non-municipal law enforcement agencies, I had to change more than just the definition of "municipality." Please ensure that these changes allow university police, in addition to any other officers you wanted included, to request investigation by another agency.

I added the phrase "without undue delay" as a time restraint for an agency to comply with another agency's request to investigate and initiate an emergency detention as a way to indicate that the agency must respond as soon as possible given any logistical constraints, such as lack of personnel. This phrase is used in other statutes as well as the phrases "without unreasonable delay" and "without unnecessary delay." Please review the draft to ensure the phrase I used best meets your intent.

Should you have any questions or redraft instructions, please contact me.

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Legislative Attorney  
Phone: (608) 267-7380  
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2211/3dn  
TJD:kjf:rs

October 13, 2011

To Representative Ott:

Please review this draft to ensure it incorporates the changes discussed at the meeting. To accommodate inclusion of nonmunicipal law enforcement agencies, I had to change more than just the definition of "municipality." Please ensure that these changes allow university police, in addition to any other officers you wanted included, to request investigation by another agency.

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E-mail: [tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2211/8 4  
TJD:kjf:rs

In: 10/26 soon

RMR

2011 BILL

Regen

and completion

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Under current law, a law enforcement officer or certain other individual may take a person into custody if the officer or other individual has cause to believe that the person is mentally ill, drug dependent, or developmentally disabled and the person shows one of the following: a substantial probability of physical harm to himself or herself; a substantial probability of physical harm to other persons; evidence that others are placed in reasonable fear of violent behavior and serious physical harm; a substantial probability of physical impairment or injury to himself or herself due to impaired judgment; or behavior manifested by a recent act or omission that, due to mental illness or drug dependency, he or she is unable to satisfy basic needs of nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease is imminent without intervention. The law enforcement officer or certain other individual must provide a statement with details of the recent act, attempt, threat, or omission on which the belief that the individual must be taken into custody is based.

This bill allows a law enforcement agency of a jurisdiction in which a person was taken into custody to request the law enforcement agency of the jurisdiction in which the person in custody committed the act, attempt, threat, or omission to investigate the act, attempt, threat, or omission and initiate the emergency detention, if the act, attempt, threat, or omission occurred in a jurisdiction that is different than the one

and complete

# BILL

in which the person was taken into custody. The bill also requires the law enforcement agency in the jurisdiction in which the act, attempt, threat, or omission occurred to comply with a request to investigate <sup>and</sup> initiate the emergency detention.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 51.15 (7m) of the statutes is created to read:

**51.15 (7m) LAW ENFORCEMENT INVESTIGATIONS.** (a) In this subsection:

1. “Jurisdiction” means a location over which a law enforcement agency has territorial jurisdiction.

2. “Law enforcement agency” means an entity that employs a peace officer, as defined in s. 939.22 (22).

(b) If the act, attempt, threat, or omission under sub. (1) (a) occurred in a jurisdiction in this state other than the jurisdiction in which the individual was taken into custody, the law enforcement agency for the jurisdiction in which the individual was taken into custody may request the law enforcement agency for the jurisdiction in which the act, attempt, threat, or omission occurred to investigate the act, attempt, threat, or omission and initiate the emergency detention procedure under this section. and complete

(c) The law enforcement agency for the jurisdiction in which the act, attempt, threat, or omission under sub. (1) (a) occurred shall comply without undue delay with a request under par. (b) to investigate <sup>^</sup>and <sup>^</sup>initiate the emergency detention procedure under this section. *and comply*

**(END)**

